SUPREME COURT MINUTES MONDAY, MAY 22, 2006 SAN FRANCISCO, CALIFORNIA

S119230 A098085 First Appellate District, Div. 2 PEOPLE v. JOHNSON

Opinion filed: Judgment reversed OPINION BY: George, C.J.

--- joined by : Kennard, Baxter, Werdegar, Chin, Moreno, Corrigan, JJ.

S123474 A097749 First Appellate District, Div. 5 PEOPLE v. MCGEE

Opinion filed: Judgment affirmed in full

Majority opinion by: George, C.J.

Joined by: Baxter, Chin, Moreno, Corrigan, J.J.

Dissenting opinion by Kennard, J.

Joined by Werdegar, J.

S141598 SLATER (MICHAEL) ON H.C.

Petition ordered withdrawn. Pursuant to written request of petitioner.

S143188 B178965 Second Appellate District, Div. 1 PHILLIPPS v. PORTOSAN COMPANY,

Petition ordered withdrawn pursuant to written request of petitioner.

S143464 B190416 Second Appellate District, Div. 7 SALAZAR v. A.B.C.

Petition for review and application for stay denied

S032509 PEOPLE v. CHATMAN (ERIK S.)

Time extended to consider modification or rehearing to August 4, 2006, or the date upon which rehearing is either granted or denied., whichever occurs first.

S141783 G035423 Fourth Appellate District, Div. 3 PEOPLE v. ESPANA

Time extended to grant or deny review to July 10, 2006.

S141894 A108522 First Appellate District, Div. 5 PEOPLE v. BISBY

Time extended to grant or deny review to June 26, 2006.

S141978 B173169 Second Appellate District, Div. 8 PEOPLE v. PRESLEY

Time extended to grant or deny review to June 26, 2006.

S141982 B177279 Second Appellate District, Div. 1 **PEOPLE v. FLORES** Time extended to grant or deny review to July 4, 2006.

S142044 H028707 Sixth Appellate District **PEOPLE v. ANDAZOLA** Time extended to grant or deny review to July 3, 2006.

S142086 A109745 First Appellate District, Div. 1 **PEOPLE v. POLK** Time extended to grant or deny review to June 26, 2006.

S142109 A105203 First Appellate District, Div. 2 **PEOPLE v. JUNIEL** Time extended to grant or deny review to June 23, 2006.

S142119 B181020 Second Appellate District, Div. 5 **PEOPLE v. REYES** Time extended to grant or deny review to June 23, 2006.

S142135 D045904 Fourth Appellate District, Div. 1 **PEOPLE v. PRESCOD** Time extended to grant or deny review to June 23, 2006.

S142136 B188899 Second Appellate District, Div. 7 NGUYEN (GINO TRUNG) ON H.C. Time extended to grant or deny review to June 26, 2006.

S142155 E040034 Fourth Appellate District, Div. 2 RATAZAK (VINCENT) ON H.C. Time extended to grant or deny review to June 23, 2006.

S142165 A109161 First Appellate District, Div. 4 **PEOPLE v. IVEY** Time extended to grant or deny review to June 26, 2006

S142183 B176727 Second Appellate District, Div. 8 **PEOPLE v. GONZALES** Time extended to grant or deny review to July 7, 2006.

S142195 B187659 Second Appellate District, Div. 1 GOMEZ (RUBEN) ON H.C. Time extended to grant or deny review to June 27, 2006

S142208 H028243 Sixth Appellate District **NGUYEN (SON HOANG) ON H.C.** Time extended to grant or deny review to June 27, 2006.

S142217 B177038 Second Appellate District, Div. 3 PEOPLE v. SERRANO

Time extended to grant or deny review to June 28, 2006.

S142218 D045112 Fourth Appellate District, Div. 1 **PEOPLE v. CHRISTOPHER** Time extended to grant or deny review to July 5, 2006.

S142237 F046482 Fifth Appellate District **PEOPLE v. RAMOS** Time extended to grant or deny review to June 28, 2006.

S142247 B181595 Second Appellate District, Div. 1 **PEOPLE v. VALDEZ** Time extended to grant or deny review to June 28, 2006.

S142253 G033131 Fourth Appellate District, Div. 3 **PEOPLE v. SAN NICOLAS** Time extended to grant or deny review to June 27, 2006.

S142259 F044580 Fifth Appellate District **PEOPLE v. DOWNS** Time extended to grant or deny review to June 30, 2006.

S142265 B171511 Second Appellate District, Div. 6 **PEOPLE v. CENTENO** Time extended to grant or deny review to July 3, 2006.

S142266 B180506 Second Appellate District, Div. 7 **PEOPLE v. JORDAN** Time extended to grant or deny review to June 30, 2006.

S142267 B188831 Second Appellate District, Div. 8 **LEE (WEN) ON H.C.** Time extended to grant or deny review to June 30, 2006.

S142274 B189311 Second Appellate District, Div. 8 **TILLETT (LLOYD) ON H.C.** Time extended to grant or deny review to June 30, 2006.

S142278 A104937 First Appellate District, Div. 5 **PEOPLE v. ANDAZOLA** Time extended to grant or deny review to June 30, 2006.

S142285 D044988 Fourth Appellate District, Div. 1 **PEOPLE v. CONTRERAS** Time extended to grant or deny review to June 20, 2006.

S142299 D046052 Fourth Appellate District, Div. 1 **PEOPLE v. THORNTON** Time extended to grant or deny review to July 6, 2006.

S142318 C052075 Third Appellate District **BUNSHI (DEO CHAND) ON H.C.** Time extended to grant or deny review to July 3, 2006.

S142322 G034848 Fourth Appellate District, Div. 3 **PEOPLE v. HERRERA** Time extended to grant or deny review to July 3, 2006.

S142345 C052129 Third Appellate District FOX (JERMAINE) ON H.C. Time extended to grant or deny review to July 3, 2006.

S142352 E038498 Fourth Appellate District, Div. 2 **PEOPLE v. RAMIREZ** Time extended to grant or deny review to July 3, 2006.

S142353 B188268 Second Appellate District, Div. 2 RAMIREZ (DIEGO) ON H.C. Time extended to grant or deny review to June 30, 2006.

S142354 C046989 Third Appellate District **PEOPLE v. GAY** Time extended to grant or deny review to July 3, 2006.

S142355 C048686 Third Appellate District P. (T.), IN RE Time extended to grant or deny review to July 3, 2006.

S142357 E037439 Fourth Appellate District, Div. 2 **PEOPLE v. COSTAGE** Time extended to grant or deny review to July 3, 2006.

S142362 B189228 Second Appellate District, Div. 1 MCFADDEN (ERNEST) ON H.C. Time extended to grant or deny review to July 3, 2006.

S142363 C049060 Third Appellate District BURNS (STEVEN) ON H.C. Time extended to grant or deny review to July 3, 2006.

S142366 B178414 Second Appellate District, Div. 7 **PEOPLE v. DAVIS** Time extended to grant or deny review to July 3, 2006.

S142367 H029773 Sixth Appellate District VALDEZ (JUAN) ON H.C. Time extended to grant or deny review to July 3, 2006.

S142382 D045755 Fourth Appellate District, Div. 1 STAFF PRO INC v. ELITE SHOW SERVICES INC.

Time extended to grant or deny review to July 3, 2006.

S142387 F046316 Fifth Appellate District **PEOPLE v. GUTIERREZ** Time extended to grant or deny review to July 3, 2006.

S142406 F046316 Fifth Appellate District **PEOPLE v. GUTIERREZ** Time extended to grant or deny review to July 6, 2006.

S142418 E036822 Fourth Appellate District, Div. 2 **PEOPLE v. RENTERIA** Time extended to grant or deny review to July 3, 2006.

S142439 B187124 Second Appellate District, Div. 4 **ZUBICK v. S.C.** (**PEOPLE**) Time extended to grant or deny review to July 6, 2006.

S142448 C052261 Third Appellate District **WINSTON v. S.C. (PEOPLE)** Time extended to grant or deny review to July 6, 2006.

S142449 H029041 Sixth Appellate District L. (S), IN RE Time extended to grant or deny review to July 6, 2006.

S142453 H027293 Sixth Appellate District PEOPLE v. FORDJOUR Time extended to grant or deny review to July 10, 2006.

S142487 C050187 Third Appellate District DORAN v. NORTH STATE GROCERY Time extended to grant or deny review to July 7, 2006.

S142489 D040473 Fourth Appellate District, Div. 1 GOBER v. RALPHS GROCERY COMPANY

Time extended to grant or deny review to July 5, 2006.

S142496 C049794 Third Appellate District
Time extended to grant or deny review to July 7, 2006.
S142498 H028708 Sixth Appellate District
Time extended to grant or deny review to July 7, 2006.

PEOPLE v. ROMERO

S142499 H029871/H029126 Sixth Appellate District Time extended to grant or deny review to July 7, 2006.

BRYAN (CHARLES BENTON) ON H.C.

S142509 C047362 Third Appellate District Time extended to grant or deny review to July 7, 2006.

PEOPLE v. ALEXANDER

S142514 C052203 Third Appellate District Time extended to grant or deny review to July 7, 2006.

PROTOPAPPAS (TONY) ON H.C.

S142524 G036702 Fourth Appellate District, Div. 3 Time extended to grant or deny review to June 7, 2006.

DICKSON v. S.C (PEOPLE)

S142525 B176561/ B179969 Second Appellate District, Div. 7 BECHTEL PETROLEUM OPERATIONS v. CONTINENTAL INSURANCE

Time extended to grant or deny review to July 13, 2006.

S142526 B182782 Second Appellate District, Div. 6 **PEOPLE v. BARROSO** Time extended to grant or deny review to July 5, 2006.

S142527 D045393 Fourth Appellate District, Div. 1 Time extended to grant or deny review to July 10, 2006.

PEOPLE v. REYES

S142533 E040094 Fourth Appellate District, Div. 2 WARREN (GEORGE) ON H.C.

Time extended to grant or deny review to July 7, 2006.

S142545 B177483 Second Appellate District, Div. 5 MAP PARTNERSHIP v. COLLINS COMMERCIAL CORP.

Time extended to grant or deny review to July 10, 2006

S142546 B178689 Second Appellate District, Div. 4 **DOE v. LOS ANGELES, CITY OF** Time extended to grant or deny review to July 6, 2006.

S142556 H027897 Sixth Appellate District **PEOPLE v. RUIZ** Time extended to grant or deny review to July 7, 2006.

S142563 H029817 Sixth Appellate District POLLEY (STEPHEN) ON H.C. Time extended to grant or deny review to July 11, 2006.

S142564 D046568 Fourth Appellate District, Div. 1 CAMPO BAND OF MISSION INDIANS v. S.C. (CELESTE BLUEHAWK)

Time extended to grant or deny review to July 7, 2006.

S142572 C048533 Third Appellate District **PEOPLE v. PRATER** Time extended to grant or deny review to July 7, 2006.

S142578 H026651 Sixth Appellate District SANTA CLARA, COUNTY OF v.
ATLANTIC RICHFIELD COMPANY

Time extended to grant or deny review to July 11, 2006.

S142582 F045681 Fifth Appellate District **PEOPLE v. ORTEGA** Time extended to grant or deny review to July 11, 2006.

S142586 F045681 Fifth Appellate District PEREZ (ANTHONY) ON H.C. Time extended to grant or deny review to July 12, 2006.

S142589 B179442 Second Appellate District, Div. 8 PETER LETTERESE AND ASSOCIATES, INC. v. BRIDGE PUBLICATIONS, INC.

Time extended to grant or deny review to July 17, 2006.

S142602 C052113 Third Appellate District **AKHTAR (JAVIAD) ON H.C.** Time extended to grant or deny review to July 7, 2006.

S142613 B187798 Second Appellate District, Div. 4 CALIFORNIA INSURANCE GUARANTEE ASSOCIATION v. W.C.A.B. (FERNANDEZ)

Time extended to grant or deny review to July 12, 2006.

S142616 G036815 Fourth Appellate District, Div. 3 **WARD (JEROME ANTHONY) ON H.C.** Time extended to grant or deny review to July 7, 2006.

S142619 E040096 Fourth Appellate District, Div. 2 MYERS (DERRICK) ON H.C. Time extended to grant or deny review to July 13, 2006.

S142623 C050233 Third Appellate District LIEBLEIN v. SHEWRY Time extended to grant or deny review to July 13, 2006

S142634 B189821 Second Appellate District, Div. 7 WILSON (THOMAS) ON H.C.

Time extended to grant or deny review July 7, 2006.

S142643 D045676 Fourth Appellate District, Div. 1 WHISPERING RIDGE HOMEOWNERS

ASSOCIATION v. CHAUDRY

Time extended to grant or deny review to July 7, 2006.

S142684 F049560 Fifth Appellate District SCHUSTER v. S.C. (PEOPLE)

Time extended to grant or deny review to July 13, 2006.

S034072 PEOPLE v. CURL (ROBERT ZANE)

Extension of time granted to July 21, 2006, to file reply brief. Extension is granted based upon counsel Musawwir Spiegel's representation that he anticipates filing that brief by July 21, 2006. After that date, no further extension will be granted.

S042660 PEOPLE v. DEMENT (RONNIE D.)

Extension of time granted to June 21, 2006, to file respondent's brief. Extension is granted based upon Deputy Attorney General Jeffrey D. Firestone's representation that he anticipates filing that brief by June 21, 2006. After that date, no further extension will be granted.

S070686 PEOPLE v. ROMERO (GERARDO)

Extension of time granted to July 18, 2006, to file the reply brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon counsel Stephen Lathrop's representation that he anticipates filing that brief by August 16, 2006.

S080056 PEOPLE v. BELL (MICHAEL)

Extension of time granted to July 14, 2006, to file appellant's opening brief.

S136154 B173281 Second Appellate District, Div. 5 **ANGELUCCI v. CENTURY SUPPER CLUB** Extension of time granted to June 30, 2006, to respondent to file answer to all amicus briefs.

S137137 B173851 Second Appellate District, Div. 8 PEOPLE v. LEON

On application of respondent Avelino Leon and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to June 12, 2006. No further extensions of time are contemplated.

S137238 B165756 Second Appellate District, Div. 3 ALAN v. AMERICAN HONDA MOTOR COMPANY, INC.

Extension of time granted to June 23, 2006, to file respondent's answer to amicus curiae brief.

S139133 A107711 First Appellate District, Div. 4 MIKLOSY v. U.C. REGENTS

Extension of time granted to August 1, 2006, to file respondents's answer brief on the merits.

S140612 G034752 Fourth Appellate District, Div. 3 **PEOPLE v. GOMEZ** Extension of time granted to June 18, 2006, to file appellant's ioebubg briefs on the merits.

S143048 B173832 Second Appellate District, Div. 1 MICHAEL v. DENBESTE TRANSPORTATION, INC.

Extension of time granted to May 30, 2006, to file respondent's Aman Environmental Construction and Chemical Waste Management answer brief.

S140413 C045348 Third Appellate District PEOPLE v. MILES

Upon request of appellant for appointment of counsel, Scott Concklin is hereby appointed to represent appellant on the appeal now pending in this court. Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S080840 PEOPLE v. ROGERS (GLEN)

Due to clerical error, the order filed in the above matter on May 17, 2006, is amended to read as follows: Good cause appearing, and based upon Deputy State Public Defender William Hassler's representation that he anticipates filing the appellant's opening brief by January 31, 2007, counsel's request for an extension of time in which to file that brief is granted to July 21, 2006. After that date, only three further extensions totaling about 205 additional days will be granted.

S127513 B168950 Second Appellate District, Div. 6 **S.B. BEACH PROPERTIES v. BERTI** Request for judicial notice granted.

The request for judicial notice filed by appellants on Febraury 10, 2005, is hereby granted.

The request for judicial notice filed by amicus curiae Governor Richard Lamm on May 16, 2005 is hereby granted.

S134332 GUERRA (JOSE) ON H.C.

Pursuant to petitioner's request filed on May 19, 2006, petitioner's exhibit no. 234 is ordered withdrawn.

S142511 B189781 Second Appellate District, Div. 6 NEAL FEAY COMPANY v. S.C. (EMPLOYERS INSURANCE COMPANY OF WAUSAU)

The order filed on April 19, 2006, denying the petition for review is amended to read, in its entirety; "Application for stay and petition for review denied."

S143485

TARANKOW ON RESIGNATION

The voluntary resignation of **ERIC TARANKOW**, **State Bar No. 101427**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar. *(See Bus. and Prof. Code, § 6126, subd. (c).)

S143489

COOK ON RESIGNATION

The voluntary resignation of **FRANK CLAY COOK**, **State Bar No. 45065**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar. *(See Bus. and Prof. Code, § 6126, subd. (c).)

S143490

LAZENBY ON RESIGNATION

The voluntary resignation of **JUDITH DIANNE LAZENBY**, **State Bar No. 104618**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 955 of the California Rules of Court and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar. *(See Bus. and Prof. Code, § 6126, subd. (c).)

S143503

DAUBER ON RESIGNATION

The voluntary resignation of **HARRIET SYLVIA DAUBER**, **State Bar No. 65584**, as a member of the State Bar of California is accepted.

S143505

ALLEN ON RESIGNATION

The voluntary resignation of **DAVID ROBERT ALLEN, State Bar No. 79700**, as a member of the State Bar of California is accepted.

S143506

ABBOTT ON RESIGNATION

The voluntary resignation of **STANLEY WARNER ABBOTT**, **State Bar No. 32044**, as a member of the State Bar of California is accepted.

S143507

LEVITT ON RESIGNATION

The voluntary resignation of **SHARON RENEE LEVITT, State Bar No. 59661**, as a member of the State Bar of California is accepted.

S143508

MERRICK ON RESIGNATION

The voluntary resignation of **MONTAGUE MERRICK**, **State Bar No. 77428**, as a member of the State Bar of California is accepted.

S143509

SCHWANDT ON RESIGNATION

The voluntary resignation of **CRAIG ALLEN SCHWANDT**, **State Bar No. 10364**, as a member of the State Bar of California is accepted.

S143510

FASS ON RESIGNATION

The voluntary resignation of **BABARA SUZANNE FASS**, **State Bar No. 61088**, as a member of the State Bar of California is accepted.

S143511

FARRELL ON RESIGNATION

The voluntary resignation of **WANDA SERENE FARRELL**, **State Bar No. 92593**, as a member of the State Bar of California is accepted.

S143513

MCLAUGHLIN ON RESIGNATION

The voluntary resignation of **JANET S. MCLAUGHLIN**, **State Bar No. 101099**, as a member of the State Bar of California is accepted.

S143515

KENNEY ON RESIGNATION

The voluntary resignation of SHELAGH REBECCA KENNEY, State Bar No. 187783, as a member of the State Bar of California is accepted.

S143517

JOHNSON ON RESIGNATION

The voluntary resignation of **JUDITH JOHNSON**, **State Bar No. 45396**, as a member of the State Bar of California is accepted.

S143518

JERRIT ON RESIGNATION

The voluntary resignation of **GARY MONROE JERRIT**, **State Bar No. 46834**, as a member of the State Bar of California is accepted.

S143519

IMEL ON RESIGNATION

The voluntary resignation of **JUDITH A. IMEL**, **State Bar No. 114517**, as a member of the State Bar of California is accepted.

S143520

MALSBURY ON RESIGNATION

The voluntary resignation of **JAMES WENDELL MALSBURY**, **State Bar No. 43533**, as a member of the State Bar of California is accepted.

S143521

MURPHY ON RESIGNATION

The voluntary resignation of **KEVIN JOHN MURPHY**, **State Bar No. 113490**, as a member of the State Bar of California is accepted.

4186 (Motion #713)

IN THE MATTER OF THE APPLICATION OF THE COMMITTEE OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA FOR ADMISSION OF ATTORNEYS

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in all courts of the State of California upon their taking the prescribed oath before a competent officer on or after May 22, 2006, and within the time limits specified in Rule IX of the Rules Regulating Admissions to Practice Law in California, is here by granted.

(SEE ATTACHED LIST OF NAMES IN THE ORIGINAL ORDER.)

Admi. Order 2006-5-1

California Code of Judicial Ethics

The court havving considered proposed amendments of the Code of Judicial Ethics and additions to its Commentary, as recommended and presented by the Supreme Court Advisory Committee on the Code of Judicial Ethics, and the public responses thereto recevied following circulation of the proposed material for comment, hereby adopts amendments to canon 6D to govern the conduct of individuals serving as temporary judges, and [places additional language in the Commentary to canon 6D at the request of the Advisory Committee.

The text of changes to the Code and the Commentary is attached hereto. All changes are effective July 1, 2006.